



SPEECH

OF

HON. JOHN HUTCHINS,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 9, 1861.

The House having under consideration the report from the select committee of thirty-three—
Mr. HUTCHINS said:

Mr. SPEAKER: When Milton was about to record a revolt against the government of God, he thought it not unworthy of him to invoke the guidance of that spirit

—————“that doth prefer

Before all temples the upright heart and pure,”

in the following language:

“What in me is dark

Illumine: what is low, raise and support;

That to the height of this great argument

I may assert eternal Providence,

And justify the ways of God to men.”

And now, when about to speak of a revolt as wicked and causeless as that of which Milton wrote, I trust it will not be regarded unworthy of me to invoke similar guidance.

Mr. Speaker, in the discussion of this question, I shall not undertake to denounce my political friends, or others, who may, under the circumstances which surround them, see proper to differ from me.

From among the many topics which press upon my mind for consideration, growing out of the agitated state of the country, I have selected the following as worthy of consideration:

1. Have we a government worth preserving?
2. What are the alleged causes for its overthrow, and are they sufficient?
3. The remedies proposed.

Mr. Speaker, if the theory advocated by perhaps a majority of the slaveholding States of this Union be true, that a State, for any grievances that it may regard as sufficient, has a right, under the Constitution, to secede, then we have no Government worthy of preservation, and we need not be hatching compromises to save it. Does the right of secession exist under the Constitution as a remedy for alleged grievances? I am aware that this question was discussed much more ably and thoroughly than I can pretend to discuss it, long ago, when the right to secede was first claimed by South Carolina—as long ago as 1830. The debates in the Senate between Mr. Webster and Mr. Hayne, in 1830, and between Mr. Webster and Mr. Calhoun, in 1832–33, I think settled the question against the right of secession; and it was crushed out then in South Carolina by the firmness and patriotism of General Jackson.

The history of this government has been ably referred to by gentlemen who have preceded me. It will be found that the leading idea of the colonists who landed on Plymouth rock, and at Jamestown, and other points of settlement on this continent, was nationality; and the Declaration of Independence and the Constitution will, I think, carry out that idea. Now, sir, I do not care whether the Constitution be regarded as a compact or not. Names do not change results. At all events, it was regarded as an instrument of government, binding upon those who adopted it. The object of the framers of the Constitution was to adjust the different claims of State sovereignty and nationality; and the Constitution may be regarded as the sun of our political system, and the States as planets that revolve around it, the centripetal force of the Constitution not being sufficient to attract to it and absorb the centrifugal force of State sovereignty as to powers not granted to the General government; and the General and State governments were designed to act in harmonious concert in their respective orbits. I think it will hardly be charged to the memory of the framers of the Constitution, that they supposed they were adopting an instrument that might be destroyed at the mere volition of a single State; and their opinions have been referred to during this discussion to show that they intended no such folly. I will not quote them again. I will refer to a more recent authority. Some of the cotton States threatened to secede in 1850 if California was admitted as a free State; and the Legislature of Mississippi, assuming that the people of the State were dissatisfied with the compromise measures of 1850, called a State convention, which passed the following resolution:

“Resolved, That, in the opinion of this Convention, the asserted right of secession from the Union, on the part of a State, is utterly unsanctioned by the Federal Constitution, which was framed to establish, and not destroy, the Union of the States; and that no secession can, in fact, take place, without a subversion of the Union established, and which will not virtually amount, in its effects and consequences, to a civil revolution.”

I quote this resolution of the convention of Mississippi in 1851, against the recent action of her convention adopting an ordinance of secession. The Constitution was not adopted by the States in their corporate capacity as States. The *people* of the different States, acting through State governmental organizations, adopted it as a Government for the *people* of the United States. To what practical purpose have been the ideas of our leading statesmen and politicians, that contiguous territory should be acquired for civil and military purposes, if, when acquired, it may secede without our consent? What becomes of the Monroe doctrine, that we will not allow any

foreign Power to interfere upon this continent with the safety of our form of Government? It was useless to acquire, with or without price, the Territories of Louisiana and Florida; it was worse than useless to reannex Texas, if they can at will dissolve their connection with this Government, without asking its consent. It has, for a long time, been a leading idea with the slave power, that this Government must purchase, at any price, Cuba; and if it could not be purchased, then it must be conquered or stolen, it being essential for our safety and security. We have all heard of the Ostend circular, signed by James Buchanan, John M. Mason, and Pierre Soule; and I here will read an extract from it:

"Does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union? Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in *wresting it from Spain*, if we possess the power: and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home. Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the Island would justify such a measure. We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized, and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger, or actually to consume, the fair fabric of our Union. We hear that the course and current of events are rapidly tending towards such a catastrophe."

Mr. Speaker, suppose that, under the advice of the Ostend manifesto, during the administration of President Buchanan, the island of Cuba had been "wrested from Spain" at a cost of \$200,000,000, and twenty thousand lives,—for, according to the manifesto, "we ought neither to count the cost, nor regard the odds which Spain might enlist against us,"—and had been admitted into the Union on an equal footing with the original States, and she, too, should join in this secession *stampede*, and should resume her sovereignty, and again attach herself to Spain. What would President Buchanan say to this? Why, he would probably say, "She had no right to secede; but the Government has no power to prevent it." Would not the nation and the world prize highly such statesmanship? Well, sir, this is the statesmanship of President Buchanan, as exhibited to us in his annual message. Secession is revolution, and nothing but revolution; and it may be defended, if the causes are sufficient to justify it in the judgment of the civilized world. I will not, therefore, enlarge upon that point. I regard it as too clear to admit of further argument or controversy.

Mr. Speaker, I therefore conclude that we have a Government worthy of preservation. But I repeat that, if one or more of the stars in our constellation have a right to shoot off at will, independent of the central sun—the Constitution of the United States—then our Government cannot inspire confidence at home or command respect abroad; and we need not rack our brains, and sew up our consciences to the sticking-point of compromise, for it cannot be compromised into respectability.

With these brief remarks upon that point, I now come to the consideration of the alleged causes for the overthrow of this Government, and whether or not they are sufficient. It is very difficult to get at the exact causes of complaint. When we look to the ordinances of secession and the manifestoes of the seceding States, the insufficiencies of the causes for the revolution which they have inaugurated must strike every one.

One of the alleged causes of complaint is the action of several of the Northern States in the passage of personal liberty bills. Now, let me remark here, for it is true, that a large majority of what are now termed personal liberty bills, were enacted more than ten years ago, before the passage of the fugitive slave law, and before James Buchanan was inaugurated President of the United States. So far as any of those laws violate any provision of the Constitution of the United States, they are null and void. Have the Southern States which are now complaining made any efforts to induce the Legislatures of the Northern States to repeal those laws? Have they sent commissioners or agents with a view to test their constitutionality? Not at all. When any State North treats a State South as South Carolina did Massachusetts, when she sought in a peaceable way to institute an amicable suit in the United States court within the State of South Carolina, to test the constitutionality of a certain law of South Carolina, operating oppressively upon the citizens of Massachusetts, then I admit that the Southern States will have just cause of complaint. But the Northern States never have interposed, and I trust they never will interpose, any obstacles to testing the constitutionality of any of their laws. It has not been shown thus far in this debate, and I do not believe it will be shown in its continuance, that a single slave has been helped away by means of any of these personal liberty bills. If, then, these laws are a good cause for a dissolution of the Union, that same cause existed, with as much force as it does to-day, when James Buchanan was elected President.

I know, Mr. Speaker, that a certain kind of property held in the Southern States is liable to appropriate to itself the limbs which God Almighty gave it, and sometimes to run away. It has been the case ever since slavery was introduced into the country; it ever will be the case so long as the love of liberty has a lodgment in the human breast. Slaves run away—or, to use the more constitutional phraseology which we find in modern Southern lexicons, they "secede," they "resume their sovereignty;" and all of them that I have ever seen are opposed to "coercion." Well, it sometimes happens that this kind of property, in order to get away, appropriates a horse, or some other item of property, belonging to the master, with a view to enable it more readily to "resume its sovereignty;" and, among slaves this idea is not very strange, but is to be accounted for by the fact of their Southern education. All of them seem willing to account for this property on a *fair* settlement with their masters; just as the Southern States say they are ready to account for what they have seized and stolen on a fair settlement with the United States.

I trust, Mr. Speaker, that these personal liberty bills are no cause for a dissolution of the Union. They are not relied upon as such. They are mere make-weights to operate on the Southern mind, to prejudice the South against the people of the free States.

It is said, Mr. Speaker, that the anti-slavery sentiment of the country is such that Southern institutions, meaning, of course, the right to hold slaves, are insecure. The anti-slavery sentiment of the free States is not stronger now than it was in 1856, when James Buchanan was elected President. Well, it is said that the election of Lincoln and Hamlin is a cause for a dissolution of the Union. The people of the free States, and a few of the people of the slave States, saw fit, under the platform adopted at Chicago, to vote for the election of Lincoln and Hamlin, as they had a right to do under the Constitution of the United States. It is not alleged that any law has been violated in that respect. The fact of the election of Lincoln and Hamlin to the highest offices in the gift of the American people, by the freemen of the North, cannot be regarded as a just cause for a dissolution of the Union. If it were, then if Breckenridge and Lane had been elected on their platform, which was as obnoxious to the North as the Chicago platform was to the South, then the North would have been justified in seceding from this Union. Every one must see the absurdity of that.

Mr. Speaker, there are complaints on both sides; and I am sorry to be obliged, as a matter of defence, to assert that, in my judgment, the North has to-day more cause to complain of the slave States than the slave States have to complain of the free States.

We all know that our citizens, who are secured, or ought to be secured, under the broad provisions of the Constitution of the United States, against unreasonable searches and seizures when travelling in the Southern States, have been mobbed, robbed, tarred and feathered, whipped and burned, and have had all sorts of indignities heaped upon them. I do not bring this charge against Southern States as States. Not at all. I bring it only against citizens of those States. The governments are not responsible for it. But it is no cause for a dissolution of the Union. It can be corrected in the Union. But I do not believe that the citizens of Southern States have been so badly treated in the free States as the citizens of free States have been in Southern States.

The fugitive slave law was passed in 1850: it was obnoxious to the people of the free States: it was opposed to all their Anglo-Saxon notions of jurisprudence; and some free States thought it necessary, to guard their free citizens against the summary process of that law, to pass personal liberty bills. The fugitive slave law is justly obnoxious to the sentiment of the people of the free States: but that is no cause for a dissolution of the Union. A large, or at least, a respectable minority of the people of the free States, do not believe there is any constitutional authority to pass such a law, while they acknowledge the right of the slaveholder to recover his property under the provision of the Constitution of the United States. But they believe that the duty devolves on State Legislatures to provide a remedy by which the right of the slaveholder could be asserted in accordance with the forms of law in the free States. But so long as the Supreme Court of the United States continue to declare that law constitutional, so long, I have no doubt, it will be enforced faithfully in the North, however hard and oppressive the people of the free States may regard it. The people of the free States are a law-abiding people.

"For there, before almighty law,
High birth, high place, with pious awe,
In reverend homage bend.
There man's free spirit unconstrained,
Exults in man's best rights maintained.
Rights, which by ancient valor gained,
From age to age descend."

I have here a statement of some of the outrages recently perpetrated in Southern States against Northern citizens; and I do not introduce it for the purpose of stirring up any bad blood or any bad feeling. I admit that excesses are committed on both sides of the line. With the permission of the House, I will read this extract from the Mercer county (Pennsylvania) Dispatch:

"We have been made acquainted with the facts of recent outrages committed at the South on citizens of the North, two of them long residents of Mercer county, which show the despotism of slavery and the wrongs perpetrated at its bidding. In November last, Michael Donohue and James Griffin, of Fairview township, went to Pittsburg, intending to work their way down the river on a coal boat, and work during the winter at some place in the Southern States. These boats having all gone, they took passage on a steamboat, and, in a short time, reached Memphis, Tennessee, and, in company with one or two others, started back into the country to procure employment. They had gone but a short distance, when they were intercepted by what purported to be a committee of vigilance, the captain of which asked Donohue where he was from. He replied, from Virginia. The other said he was not, but was a 'damned Methodist preacher'—a sect for which Donohue and his companion have very little sympathy. He protested that this was not so; that he was no Abolitionist, and had never voted anything but the Democratic ticket: all of which is true. But it availed him not; and he was told that he had his choice, either to be flogged or tarred and cottoned. He preferred the latter; when he was stripped and the tar and cotton applied to him. The same choice was given to Griffin, who preferred the flogging. He was stripped to the shirt, and a large wagon whip put into the hands of a negro to carry out the sentence of thirty-seven lashes, but, after he received twenty, he was let off. While the punishment was inflicted, three of the mob stood around him with drawn pistols, to shoot him if he made any resistance.

"Another of the company, with the two former, was told that he had to be either hung or tarred and cottoned. He, of course, chose the latter, and they were applied. Another was told that he had his choice, either to be hung or branded on the cheek; and, choosing the latter, the outrage was inflicted on him. The four were then driven off with dogs, and firing of pistols after them."

Now, these are wrongs for which remedies ought to be provided; and, fearing that the respectable and patriotic committee of thirty-three might omit this matter, and inasmuch as we supposed that we were to have a final settlement of all existing accounts, I submitted a resolution calling attention to these facts; but no remedy has been proposed.

Mr. MAYNARD. I desire to state to the gentleman from Ohio, that the laws of Tennessee provide for the punishment of such offences.

Mr. CAREY. I object.

MR. MAYNARD. That objection comes with a very bad grace from the gentleman from Ohio [Mr. CAREY], who was allowed yesterday to interrupt the gentleman from North Carolina [Mr. SMITH].

MR. HUTCHINGS. I was about to remark that I brought this up at this time that I might hereafter call on the chairman of the committee of thirty-three to prove that this matter has not been adjusted, so that it shall not be barred by what might be called *res adjudicata*.

MR. MAYNARD. I simply wish to state that, by the laws of Tennessee, if that outrage had been perpetrated as stated in the paper, those men could not only be made to answer in damages, but could also be imprisoned for years in the penitentiary.

MR. HUTCHINGS. I have no doubt of that fact. And all those outrages on what you call Southern rights are also punished by the laws of the free States. I am glad to say that I do not regard this as any just cause for a dissolution of the Union. I introduce the matter to show that if charges are to be made, they can be made on the one side as well as on the other.

I now propose, Mr. Speaker, to consider very briefly the remedies proposed for the difficulties under which we are laboring. I come, in the first place, to the report of the committee of thirty-three. I have great respect, sir, for the respectability and patriotism of the members of that illustrious committee. I voted against its formation, because I did not believe that anything had occurred, or was likely to occur, requiring the interposition of such a committee. That committee has made a report. To some of the propositions reported, there is no very great objection. There is, however, a clause of the report to which I have some objection. After referring to the charge against the free States, of the President, in his annual message, without contradicting it, the chairman of the committee uses the following language:

"Publications emanating from the newspaper or periodical press, having a tendency to promote domestic insurrection in any of the States, and circulated with that intent, are, in the judgment of the committee, highly criminal, and should be so treated by the laws of the several States. The right of free discussion, while it is regarded as absolutely necessary to the maintenance of free government, may be expected, in times of great excitement, to run into occasional licentiousness. The corrective of this evil remains with the State governments; and the committee do not doubt that the desired corrective will be promptly applied in all cases when the evil shall have assumed a formidable aspect: while the just and rational freedom of speech and of the press will be carefully preserved."

Mr. Speaker, I am well aware that that is the carefully prepared language of the distinguished and eloquent chairman of that committee; but, in my judgment, it contains principles more fatal to the liberty of the press than the famous seditious law of 1798. The gentleman undertook, in his speech, to break the force of that passage, and soften down its meaning, by stating that, if such circulation were intended to promote domestic insurrection, it ought to be punished in the free States, relying upon the criminal intent to work a conviction. The chairman of that committee is a good lawyer; and no one knows better than he that the maxim of criminal law is, that a man is presumed to intend what is the natural and necessary result of the act which he commits. How easy, therefore, it would be to indict the New York Tribune, the New York Evening Post, the New York Independent, or any other out-spoken anti-slavery paper, for a publication that slavery is wrong, that slaveholding is a crime; and on the trial, to claim that such publications tends to make slaves discontented, and therefore tends to produce insurrection. The papers to which I have referred are already regarded insurrectionary in slaveholding States; for the reason, as it is claimed, that they are calculated to produce insurrection; and if these papers were in slaveholding States, they would be suppressed under the rule laid down by the chairman of the committee.

The gentleman, in his speech, referred to the efforts of Lord Erskine to take from the courts and give to the jury the right to judge of the criminal intent of a publication, and that, through his efforts, the law of England and of this country now is, that the jury, and not the court, is to pass upon the intent of the publication. It occurred to me as singular, that the gentleman should refer to Lord Erskine as an authority to restrict the liberty of the press, when it is well known that one of the great efforts of his life was the defence of the liberty of the press, in the celebrated case of the Dean of St. Asaph, for the publication of a tract illustrating the general principles of government, written by Sir William Jones.

MR. CAMPBELL. I will say to the gentleman from Ohio that, having been a member of the committee of thirty-three, I understand the proposition laid down by the chairman of the committee has reference to the publication and circulation of documents intended to stir up insurrection in the slave States. Does the gentleman approve the converse of the doctrine?

MR. HUTCHINGS. Who is to be the judge of what is insurrectionary? That is a nice question, depending upon circumstances.

Sir James Mackintosh, in his great oration in defence of Jean Peltier, which Erskine pronounced to be "a splendid monument of genius, learning, and eloquence," said:

"Those who slowly build up the fabric of our laws, never attempted anything so absurd as to define by any precise rule the obscure and shifting boundaries which divide libel from history or discussion."

MR. CAMPBELL. I reply that a newspaper is supposed to be published for public information. There should be a power somewhere to judge of the criminality of articles published.

MR. HUTCHINGS. What I fear is that after the demoralized state of public sentiment in the free States, which some of these compromising propositions may bring about, that it will be very easy to find pretenses for causing the suppression of publications of the character I have mentioned.

MR. STRANTON. I hope my colleague will answer the question directly, whether he is in favor of permitting papers to be published for the purpose of stirring up insurrection.

MR. HUTCHINGS. No, sir, I am not; and I am not in favor of establishing any new doctrine whereby anti-slavery publications may be suppressed under the pretext that they may be published "with the intent" to stir up insurrection. I do not want to compromise the liberty of the press, that slavery may have additional protection and guarantees. I am not in favor of further restricting the liberty of the press.

Mr. CAMPBELL. Neither am I; but I am in favor of placing proper guards upon the licentiousness of the press.

Mr. HUTCHINS. If it is not proposed to change the existing law, why is the subject referred to by the committee? I commend the sentiments of that brilliant oration of Sir James Mackintosh to the gentleman from Pennsylvania, or anybody else, who, under any pretence whatever, shall undertake to stifle freedom of speech or restrict the liberty of the press in this country.

Mr. COX. I wish to make an inquiry of my colleague. I wish to know whether I understand his answer to the question of my other colleague [Mr. STANTON]. I understand him to say that he would not be in favor of publications which are calculated to promote servile insurrections. Is that the answer he gives?

Mr. HUTCHINS. Yes, sir; but not in the *exact language* of your question.

Mr. COX. I ask him, then, if he would be in favor of the publication of such documents as Theodore Parker's programme, in which he lays down the doctrine that slaves may murder, steal, and rob, for the purpose of obtaining their freedom?

Mr. HUTCHINS. I believe I have not read that programme. I do not recollect its contents.

Mr. EDGERTON. I will answer the gentleman.

Mr. COX. I put no question to that gentleman. I ask my other colleague if he will answer my interrogatory?

Mr. HUTCHINS. I will reply to my colleague in this wise. I presume I am not so familiar with the platform of principles of Theodore Parker as he is. I do not now know whether or not, I have read his programme. I have read some of his sermons and anti slavery publications. If I have read the programme to which the gentleman refers, I cannot now call to mind its language, and could not, therefore, say whether or not I would favor its publication. I would not make its publication criminal.

Mr. COX. It is published in the New York Tribune.

Mr. CAREY. I object to any further interruptions.

Mr. HUTCHINS. Mr. Speaker, I have made my criticisms upon the report of the committee of thirty-three, I trust, in all kindness and respect for the members of that committee. I believe the doctrine is dangerous, and I protest against it.

Now, to the specific remedies proposed by the committee: I am opposed to undertaking to save this Union at the present time by a compromise of any sort by which any new guarantees shall be given to slavery, and I will briefly give my reasons why some of the propositions reported by the committee of thirty-three, which would, under other circumstances, command my vote, will not *now* receive my assent. What do we understand by a compromise? My dictionary teaches me that it is a mutual giving up on each side of some controversy or some question that there is a dispute about. Now, I want to know what concession on the part of the slave States this committee of thirty-three, or anybody else, has recommended for our consideration? What right do they concede by any proposition that has been submitted? I say, not one single thing, except the amendment to the fugitive slave law, and that amounts to very little in my judgment. Yet we are called upon day after day to ignore party platforms and principles, and to compromise, by conceding all that is demanded to placate those who are in rebellion against the Government.

Mr. Speaker, we have had a great many final settlements of the slavery question, and every one of them was to be an everlasting finality. The compromise measures of 1820 were to be an eternal finality. The compromise measures of 1850 were to inaugurate a political millennium, when the lion of slavery was to lie down with the lamb of freedom, so reconciled that a child might lead them. Sir, who violated the compromise of 1820? Who violated the compromise of 1850? Not the free States of this Union. No, sir; I assert as a fact, that in no single instance, where it was supposed this question of slavery was compromised and settled as between the free and slave States, have the free States, directly or indirectly, violated it. If they have, I challenge the advocates of slavery upon this floor to show it. But in every instance these compromises have been disregarded by the slaveholding interest. In 1854 the interest of slavery procured the repeal of the Missouri compromise, and the interest of freedom resisted it.

I am opposed to any new compromises. They have not been, and cannot in the nature of things, be productive of permanent good or lasting peace. They only postpone and complicate difficulties. I do not see why any one should desire to increase the influence and power of slavery. It has divided all political and religious organizations connected with it, that it could not control; and now it seeks to destroy the Government, if it will not yield to its inexorable demands.

The resolution of the committee of thirty-three is in these words: "*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (two-thirds of both Houses concurring), that the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes, as part of the said Constitution:

"ART. 12. No amendment of this Constitution having for its object any interference within the States with the relation between their citizens and those described in section second of first article of the Constitution as 'all other persons,' shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union."

I affirm that I never heard a Republican anywhere who claimed the right to interfere, by an act of Congress, with the institution of slavery as it exists in the several States of this Union. I object to this amendment, as being against the spirit of the age. If a simple proposition had been reported by the committee, that Congress should not interfere with the question of slavery in the States, I do not know but it would have commanded my assent, for I understand that to be the Constitution now. But here is a proposition which undertakes to prevent an amendment of the Constitution upon a certain subject, without the consent of all the States. In other words, it makes amendment upon that subject impossible. Why should the people of this country on *one* subject be prevented from amending the Constitution, when they are at liberty to amend it on all other subjects?

The next proposition is the admission of New Mexico into the Union as a State. While I am not disposed to regard the admission of New Mexico under certain circumstances as anything wrong, yet I assert that at the present time there is no necessity for its admission. It is said that Territory is secured to slavery by virtue of the compromise measures of 1850, and the Dred Scott decision. If so, ought not the South be contented with that? Whenever New Mexico applies for admission into this Union with a proper constitution, I will take her case into consideration.

There is one other portion of the report of the committee which, I think, is more objectionable than any other. I am sorry that I have not the time to argue it at length. It is a proposition to take by law from the executive officers of the several States of this Union, who are elected by, and are responsible to, the people, the duty of surrendering fugitives from justice, and to lodge it in the judges of the district courts of the United States, appointed by the President of the United States for life, and who are not responsible to the people.

I object to it as a monstrous proposition, and full of danger to the liberties of the people. Before I would vote for it, I must have coupled with it a proposition to amend the Constitution of the United States, making the judges of the circuit courts of the United States elective by a vote of the people in the districts where they serve, and to hold their offices, not for life, but for a term of years.

I will next refer to what is called the Crittenden proposition. There have been presented to us many petitions for the adoption of these propositions as an amendment to the Constitution, and I have no doubt that many signatures have been obtained on the supposition that these propositions are identical with the Missouri compromise, which was repealed in 1854. They are, in form and substance, materially different. The Missouri compromise simply prohibited slavery in all the Louisiana Territory, not included in the State of Missouri, north of $36^{\circ} 30'$, and left its existence south of that line an open question.

The Crittenden propositions provide:

1. That in all the Territory of the United States, now held or hereafter acquired, south of latitude $36^{\circ} 30'$, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress; but shall be protected as property, by all the departments of the territorial government, during its continuance.

2. That Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situated within the limits of States that permit the holding of slaves.

3. That Congress shall have no power to abolish slavery in the District of Columbia, so long as it exists in the States of Maryland and Virginia, nor without the consent of the inhabitants, nor without just compensation.

4. That Congress shall not interfere with the transportation of slaves from one State to another, or to a Territory, in which slaves are permitted to be held, whether that transportation be by sea, by land, or by navigable rivers.

5. That the United States shall pay the owner, who shall apply for it, the full value of his fugitive slave, in all cases when the marshal or other officer, whose duty it was to arrest a fugitive, was prevented from arresting by violence or intimidation, or when, after arrest, the fugitive was rescued by force. And that the United States shall have power to reimburse themselves by imposing and collecting a tax on the county or city in which the violence, intimidation, or rescue was committed, equal in amount to the sum paid, with interest and the costs of collection. And the county or city may sue the persons who prevented the arrest or committed the rescue, and recover the amount paid.

6. That no future amendment shall affect the five preceding propositions, nor the third paragraph of the second section of the first article of the Constitution; nor the third paragraph of the second section of the fourth article of the Constitution; and no amendment shall be made to the Constitution which shall give power to Congress to abolish slavery in the States.

7. That the elective franchise and the right to hold office, whether Federal, State, territorial, or municipal, shall not be exercised by persons who are, in whole or in part, of the African race.

8. That the United States shall have power to acquire, from time to time, districts of country in Africa or South America for the colonization, at the expense of the Federal Treasury, of such free negroes and mulattoes as the several States may wish to have removed from their limits, and from the District of Columbia.

I cannot examine these atrocious propositions in detail. A more carefully guarded plan for the perpetuation of slavery in this country could not well be devised. Every imaginable security is here provided for. It gives a constitutional recognition of slavery in all territory now owned and hereafter to be acquired south of latitude $36^{\circ} 30'$. It proposes an irrepealable constitutional slave code for the Territories south of $36^{\circ} 30'$; and the recent Democratic convention in Ohio adopted it, and other Democratic conventions in free States have proposed to adopt the Crittenden plan of compromise.

Why did the Democrats object to a legislative slave code, at Charleston and Baltimore, if they are so ready now to adopt a constitutional one? They feared to go before the people on that issue. This is the plan of compromise which Republicans, day after day, are eloquently appealed to to adopt; and they are charged with criminal partisan obstinacy, because they will not adopt this plan to placate the slave power, now intent on destroying the Government. Mr. Speaker, I believe the people of the free States, when they fairly understand these propositions, will spurn them as an insult. Now, sir, what are the circumstances under which these amendments to the Constitution and other propositions of compromise are proposed? Abraham Lincoln and Hannibal Hamlin have been lawfully elected President and Vice-President, upon a platform opposed to many if not all of these propositions of compromise. Other parties went into the canvass with their candidates and platforms, and the verdict of the people was invoked in relation to them. The verdict has been rendered fairly, without fraud, and without connivance, in favor of the principle that our Territories are forever to remain free. What is the proposition? Before that verdict is rendered into a judgment, a proposition comes up for a new trial to set it aside.

We find Republican lawyers standing here to advocate the rights of their clients, willing to set

aside that verdict before it is rendered into judgment. Why must it be done? Because it is said, if that verdict is rendered into judgment, then a certain number of the slaveholding States will break up this Government. Does not every one see, if we grant them what they desire, it will sap the very foundation of the Government? It will invite similar rebellion in relation to any interest that may feel disturbed by the result of an election. There are other interests in this country, besides those of slavery, which may feel aggrieved at the result of an election; and if we encourage the idea that the verdict of the people may be set aside, we cannot fix where it shall terminate. We are entitled to our judgment, and we intend to have it, by the help of Almighty God, and the strong arms of the people of all sections.

We are appealed to, sir, as partisans. It is said that we are indifferent to the actual condition of the country. My colleague from Ohio [Mr. Cox] made a very able argument against the right of a State to secede; but, like other Northern Democrats, he is opposed to secession, but objects to coercion in order to prevent it. They are like the man who, when asked whether he approved the Maine liquor law, said that he did, but he was very much opposed to its execution. [Laughter.]

Mr. COX. Will the gentleman yield to me?

Mr. HUTCHINGS. I cannot just now.

Mr. COX. The gentleman misrepresents me.

Mr. HUTCHINGS. The Democratic party, Mr. Speaker, is attempting to make capital out of this controversy. I have no doubt my colleague from the Columbus district [Mr. Cox] is in favor of this Union, provided he can preserve it and destroy the Republican party. I am not quite sure he is heartily in favor of it, if the Republican party is to remain in power. Why do I judge him thus? I find him upon every occasion active and instant, in season and out of season, in hunting facts and furnishing Southern men with material to prejudice the already excited public mind of the South. He appears to have implicit faith in compromises. He said, in his speech the other day, that "sacrifice and compromise are words of honorable import: the one gave us Calvary, the other the Constitution." The gentleman's rhetoric is well; but in its practical application to the subject in controversy it is meaningless. Patriotism and statesmanship gave us the Constitution, slightly marred by compromise; but let it stand. The word compromise has been too much desecrated, of late, in our political history, to be talismanic now to save the Union.

I am not surprised that the gentleman should use the word sacrifice as connected with compromise, after his announcement that he was willing to vote for the Crittenden proposition, because it involved a sacrifice of his political professions.

Before the election he was for popular sovereignty, and objected to even a legislative slave code for the Territories; but now he declares his readiness to vote for a constitutional slave code. It is not, therefore, strange that he should regard sacrifice as a better word to use, in connection with these propositions, than compromise; and I think, Mr. Speaker, that "*sacrifice*" accurately defines most of these propositions which go under the nomenclature of compromise; and the question really is, shall the people of the free States sacrifice principles which, in their judgment, are essential to the welfare of the Republic, to placate those who are plotting its overthrow? Others *may*, but I will never knowingly do it.

Mr. Speaker, the Crittenden plan—which is misnamed compromise—would no more be a final settlement of the slavery question, than the different compromises heretofore adopted have been. What slaveholders demand, is supremacy in the Government; nothing short of this will satisfy them. What most alarms them, at this time, is the growing power of the free States, as shown by the recent census. If my colleague from the Columbus district wishes at once to reach the root of the difficulty, he must sacrifice still further his political principles; and, as he appears to be in a sacrificing mood, I would suggest what, for a time at least, would restore peace to the country and coax the cotton States to lay down the weapons of their rebellion. The power of free States, he will remember, is the chief difficulty. Let him, then, destroy their free-school system; put down free speech; silence the press and pulpit; put a censorship upon their literature; dry up the source of their power; paralyze the energies of their prosperity; destroy the emblems of their civilization; eradicate from the breasts of their people the love of justice and the hatred of oppression; and he will have brought about a final settlement of the slavery question. This would out-Crittenden Crittenden.

Mr. Speaker, the conspiracy to destroy this Government is extensive and wide spread, penetrating every department of the Government; and, but for providential interposition, it might have succeeded. I cannot better define this great crime than to quote from an editorial article from the Baltimore Sun, under the head of "The Great Crime of History," omitting the editorial "we."

"In all the historic annals of our race, I can point to no crime so great, so infamous, so purely vicious, because so completely causeless and inexcusable, as that which has dissolved the Union of these States. And that there should be any man in this southern section of our common territory who can regard the criminal processes, and the reckless and relentless perpetrators of this great crime, with any degree of toleration, is to me perfectly incomprehensible."

The eloquent editor endeavored to fasten this great crime upon others; but I charge it upon him, and those sympathizing with him, who counsel treason and apologize for traitors. This great crime must be put down as other crimes are put down—by coercion. The question is not now whether the Government should coerce a State, but whether the people of a State shall coerce the Government. Our flag has been insulted, our forts have been captured, and our property has been stolen; and no Government can exist without coercing obedience to its laws, and putting down organized rebellion, however formidable it may be. Our forts must be recaptured, our stolen property recovered, the Constitution and laws must be obeyed. If that means coercion, then I am for coercion.

I believe that a large majority in the slave States are yet loyal to the Constitution, and that there is a Union feeling in the States which have passed ordinances of secession that will yet put down rebellion there. It is, for the time being, overborne by the terrorism which prevails. I think the reaction has already commenced. Well, it is said we must do something to aid this

reaction, and at least save the border slave States. Sir, is not the Constitution as it is, broad enough for all Union men to stand upon? It is not proposed to take from the people of the slave States one single constitutional guarantee which they now have.

At the commencement of this session, I was opposed to all measures which held out plans of compromise; and I firmly believe that the position of the Union men in the border slave States would have been stronger to-day, if a majority of this House had given them the firm platform of the Constitution to stand on, instead of throwing to them rotten planks of compromise, which must ultimately give way before the surging waves of the disunion fanaticism that is sweeping over those States. I know their position is embarrassing; and if they can stand at all, they must stand upon the declaration of General Jackson, that "*the Union must be preserved.*"

I am willing to unite with all men who are for the integrity of the Union. I do not thereby adopt their views upon the slavery question, or other questions, nor do they adopt mine. If the people of any State desire the Constitution amended, they can submit propositions of amendment; and they would be entitled to a respectful consideration, if not coupled with a threat to break up the Government, if not granted.

I hope, sir, that the Constitution will *never* be so amended as to give any additional guarantees to slavery. All who vote for such amendments are guilty of its criminality and injustice. All the elements of agitation are now at work to bring about such amendments; but I trust they will signally fail. The people are still true to their convictions, and, whatever their representatives may do, they will *never*, I trust, in the eloquent language of Dr. Channing, "give countenance to the doctrine which all tyrants hold, that material power, physical pain, is mightier than the convictions of reason, than the principle of duty, than the love of God and mankind." They will, if necessary, with warm hearts and strong arms, rally to the support of a *just* Government; and let us, their Representatives, stand firm to our convictions, leaving the result in the hands of that Providence that has never forsaken us in the darkest hour of our history.

MR. COX of Ohio having replied to some of the remarks of Mr. Hutchins, Mr. H. spoke as follows:—

MR. HUTCHINS. I made no personal attack upon my colleague. Against his political acts I have had, and now have, some little criticism to make; because, on every possible occasion that he could get the ear of this House, he has seen fit to denounce my constituents as enemies to the Union, and as abettors of the raid of John Brown. He even brought against the judges of the State the charge of singing the Marseillaise on the bench; and also against the citizens of the Western Reserve, the same charge of singing the same patriotic song—through their noses. [Laughter.]

Now, my constituents are a humane and Christian people. They are opposed to cruelty in any shape, or to any sort of people; and if they had known the sensitiveness of my colleague, and the nervousness of his disposition, they certainly never would have sung in his presence that beautiful Marseillaise, to which he objects, with the nasal twang. [Laughter.]

I found fault with my colleague because he undertook to furnish the gentleman from Virginia, [MR. LEAKE]—who is, in good faith, I believe, in favor of secession as a remedy—with materials to prejudice him against the people and Governor of Ohio, growing out of the controversy for the surrender of criminals on the application of the Governor of Virginia. I thought that was unfair on the part of my colleague.

MR. LEAKE. Will the gentleman permit me? [Cries of "No!" "No!" and laughter.] The gentleman's time can be extended. [Repeated shouts of "No!" "No!" "Let him go on!" &c.]

MR. SICKLES. No interference from any outsider.

MR. CURTIS. I object to any other interruptions.

THE SPEAKER. The gentleman from Ohio must not be interrupted. His five minutes are running fast. [Laughter.]

MR. HUTCHINS. I thought it hardly fair or patriotic on his part thus further to add fuel to the flame of Southern excitement, if the real object of the gentleman was to preserve this Union instead of endeavoring to destroy it; and therefore, I said that I thought, not from anything he said, but from his conduct on this floor, that he was willing to preserve the glorious Union, if he could do it by demoralizing and prejudicing the public mind against the Republican party, so that he could aid in restoring his own party to power. That was the reason I commented on his conduct. I thought it was unfair.

I have made no attack on my other colleague [MR. CORWIN]; and if I did, he is abundantly competent to defend himself, without the aid of the gentleman. I criticized, to be sure, as I had a right to do, some of the positions which he saw fit to take in his report. I have denounced nobody who may not agree with me in regard to these matters. We have all a perfect right to differ, and to differ as Republicans and friends of the Union. Therefore, the gentleman [MR. COX] can make no capital against me, either in my district, or anywhere else, by charging me with an attack on Governor CORWIN.

The gentleman has made an attack upon Mr. Giddings. He needs no defence from me. His acts in this House for twenty years will stand the test of criticism now and hereafter. Attacks are frequently made upon him by members here; and I will only say, that his name will be remembered with gratitude when the names of those who assail him are forgotten. I deny that he has countenanced insurrection on this floor or elsewhere.

Now, this is all that I desired to say. I am willing that my constituents shall stand by their record, shall stand by their position. I will stand by mine. I am in favor of the Union as it is, and as our fathers gave it to us. But I do not think it can be preserved by sacrificing those very principles on which it is based. If the cause of liberty is to be betrayed and crucified in the year of grace 1861, I trust that there will not be found among its apostles a betrayer and crucifier.



